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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

UNITED STATES OF AMERICA,)	CV. 70-310
)	
Plaintiff,)	UNITED STATES' REQUEST FOR
)	ENTRY OF AN ORDER
v.)	TERMINATING THE PARTIAL
)	AND FINAL JUDGMENTS
GREATER PORTLAND CONVENTION)		
ASS'N, INC., HILTON HOTELS CORP.,)		
ITT SHERATON CORP. OF AMERICA,)		
AND COSMOPOLITAN INVESTMENT,)		
INC.,)	
Defendants.)	
)	

Plaintiff, United States of America, hereby requests that the Court enter the proposed order terminating the Partial Final Judgment entered in *United States v. Greater Portland Convention Association, Inc., et al.*, Civil No. 70-310, 1971 Trade Cas. (CCH) ¶73,731 (D.Or. 1971) on November 29, 1971 ("Partial Final Judgment") and the Final Judgment entered in *United States v. Greater Portland Convention Association, Inc., et al.*, Civil No. 70-310, 1973 Trade Cas. (CCH) ¶74,614 (D.Or. 1973) on September 14, 1973 ("Final Judgment"). In accordance with this Court's October 30, 2007 Order, the notice and public comment process has been completed as follows:

1. The United States published a notice announcing these proceedings in the Federal Register on October 31, 2007, 72 Fed. Reg. 61679;
2. The Defendants submitted proof of publication of notices, dated February 19, 2008 and April 3, 2008, announcing these proceedings:
 - a. in two consecutive issues of The Wall Street Journal, during the period December 10 and December 11, 2007; and
 - b. in two consecutive publications in Hotel Business, a biweekly journal, during the period February 22, 2008 and March 7, 2008;
3. The 30-day comment period specified in this Court's October 30, 2007 Order commenced on March 8, 2008, and terminated on April 7, 2008;
4. No comments were received during the 30-day comment period;
5. As set forth in its October 18, 2007, Memorandum In Response To Defendant Hilton And Starwood Hotels' Motion to Terminate the Partial Final Judgment and Final Judgment, the United States believes that termination of these decrees would be in the public interest and therefore consents to their termination.

Accordingly, pursuant to its October 30, 2007 Order, this Court may rule in favor the Defendants' motion to terminate if it determines that termination serves the public interest. Where the government has consented to termination, the focus of the public interest determination is on whether there is a "likelihood of potential future violation, rather than the mere possibility of a violation." *United States v. International Business Machines Corp*, 163 F.3d 737, 742 (2d Cir. 1998). In this context, if the government reasonably has explained why there is "no current need for" the constraints imposed by a decree, termination will serve "the

public interest in ‘free and unfettered competition as the rule of trade.’” *United States v. Loew’s Inc.*, 783 F. Supp. 211, 214 (S.D.N.Y. 1992) (*quoting N. Pac. Ry. v. United States*, 356 U.S. 1, 4 (1958)). A proposed order terminating the decrees is attached as Exhibit A.

Dated: this 24 day of April, 2008

UNITED STATES OF AMERICA

By s/ Christopher M. Ries
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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of April, 2008, I caused a copy of the foregoing Request to Enter Order Terminating the Partial Final Judgment and the Final Judgment to be served on counsel for defendants via ECF for ECF filing users and at the addresses given below:

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